

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

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|---|---|----------------------------|
| FINALROD IP, LLC, and R2R AND | § | |
| D, LLC d/b/a SUPEROD, | § | |
| <i>Plaintiffs/Counterclaim Defendants</i> | § | |
| | § | |
| v. | § | |
| | § | CASE NO. 7:15-CV-00097-ADA |
| JOHN CRANE, INC., JOHN CRANE | § | |
| PRODUCTION SOLUTIONS, INC. | § | |
| and ENDURANCE LIFT | § | |
| SOLUTIONS INC., | § | |
| <i>Defendants/Counterclaim Plaintiffs</i> | § | |

**ORDER ADOPTING SPECIAL MASTER'S REPORT AND RECOMMENDATION
REGARDING CLAIM CONSTRUCTION**

Before the Court is the Report and Recommendation of Special Master Scott Woloson, which was issued on February 11, 2019. Document Number 215. In the Report and Recommendation, the Special Master proffers proposed claim constructions for terms that have been disputed by the Parties. The action was referred to the Special Master for this Report and Recommendation pursuant to Federal Rule of Civil Procedure 53.

The Parties have timely filed objections to the Special Master's Report and Recommendation. In light of the Parties' objections, the Court has undertaken a *de novo* review of the case file in this action. The Court, having reviewed the Special Master's recommended constructions, will accept and adopt the Report and Recommendation for the reasons stated therein with the exception of the proposed construction for the claim term "such that."

With respect to the claim term "such that," the Court finds that the proper construction that should be adopted is the one proffered by Plaintiff: "resulting in or the result is." The Court finds that the fact that the Patent Owner expressly argued in the IPR that "[t]he proper construction of the 'such that' language, as a PHOSITA would understand it, is 'causes or

creates” is an insufficient reason to determine that this is the proper construction of the claim term “such that.” As such, the Court will adopt the construction proffered by Plaintiff.

It is therefore **ORDERED** that the Parties’ objections to the Report and Recommendation of the Special Master are **OVERRULED**. It is **FURTHER ORDERED** that the Report and Recommendation of the Special Master filed in in this case is **ACCEPTED AND ADOPTED** by the Court with the exception of the Special Master’s construction of the claim term “such that.”

SIGNED this 16th day of May 2019.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE